

## V. CASE REVIEW SYSTEM

Rating of Review Team Regarding Substantial Conformity				
Rating	Not in Substantial Conformity		Substantial Conformity	
	1X	2	3	4

The State of Missouri is not in substantial conformity with the systemic factor of Case Review System. Information on the items assessed for this systemic factor is presented below.

**Item 25. Provides a process that ensures that each child has a written case plan to be developed jointly with the child's parent(s) that includes the required provisions.**

\_\_\_\_ Strength        X   Area Needing Improvement

Item 25 was rated as an Area Needing Improvement because CFSR findings indicated that case plans are not developed jointly with the child's parent on a consistent basis.

According to the Statewide Assessment, State policy requires that case planning and review activities must be conducted within specified time frames through use of Family Support Team (FST) meetings. Family Support Teams are required to meet within 72 hours of a child's entry into care. Each team consists of the children's service worker, the supervisor, the parents/caregivers, child (if age appropriate), juvenile officer, guardian *ad litem* and/or CASA, parents' attorneys, family advocates, placement provider, treatment provider(s), and school personnel. The preliminary treatment plan developed with the family during the 72-hour FST meeting establishes the foundation for the initial 30-day treatment period. After the initial meeting, the FST meeting is held every 30 days to

assess the progress of services, visitation plans, financial support, and continued case planning. After adjudication, FST meetings are held every 6 months.

The Statewide Assessment notes that despite the use of FST meetings, the agency is not consistent in its efforts to reach out to families to encourage their attendance at FST meetings and engage them in the case-planning process. It was reported in the Statewide Assessment that case plans are not always developed in conjunction with families.

Stakeholders commenting on this item during the onsite CFSR were in general agreement that foster children have case plans. Although stakeholders noted that FST meetings are helpful and engage multiple parties in the development of the plan, they observed that parental participation varies across jurisdictions and programs. This is consistent with case review findings indicating that parents and youth were involved in case planning in only 56 percent of the cases. However, parents and youth were involved in case planning in 100 percent of Jasper County cases, compared to 43 percent of St. Louis County cases and 42 percent of Jackson County cases.

**Item 26. Provides a process for the periodic review of the status of each child, no less frequently than once every 6 months, either by a court or by administrative review.**

☐ Strength      ☒ Area Needing Improvement

Item 26 was rated as an Area Needing Improvement because the CFSR determined that FST meetings are not consistently held in a timely manner and do not meet the Federal requirement that a person who is not involved in the case must be a participant in the review (i.e., a third-party participant).

According to the Statewide Assessment, agency policy requires periodic reviews to be held every 6 months for every child in out-of-home care. As Missouri does not have a citizen review process and does not conduct court reviews every 6-months, the FST meeting serves as the agency-administered, third-party review process. An FST meeting must be scheduled prior to the end of the child's first 30 days in out-of-home care and monthly thereafter until adjudication. After adjudication, FST meetings must be held at least every 6 months.

The Statewide Assessment notes, however, that despite policy requirements, FST meetings are not held in compliance with mandated timeframes on a consistent basis. A review conducted in September 2003 found that only 68 percent of the necessary FST meetings were held in a timely manner. The Statewide Assessment reports that when the FST meetings are not held in a timely manner, it is

usually because the worker has experienced difficulties in finding the time to schedule and facilitate the meeting due to high caseloads. The Statewide Assessment also reports that even when FST meetings occur within required timeframes, children's service workers do not always enter information in the database in a timely manner, and this impacts the accuracy of available tracking data.

Stakeholders in Jasper and St. Louis Counties and at the State level who commented on this item during the onsite CFSR expressed the opinion that the 6-month FST meetings are taking place in a timely manner. Stakeholders in Jasper County indicated that the reviews regularly occur every 6 months. St. Louis County stakeholders noted that reviews are held every 90 days following adjudication. However, Jackson County stakeholders indicated that FST meeting reviews are not held in a timely manner. These stakeholders also expressed concern about the children's service workers' ability to schedule the meetings given their caseload demands, and the general quality of the review.

Stakeholders also voiced concern about the absence of a third-party reviewer during the FST meeting. Federal law requires that the review process must include at least one person who is not directly involved with the case, but most FST meetings do not meet this requirement because only those individuals involved in the case are invited to participate.

**Item 27. Provides a process that ensures that each child in foster care under the supervision of the State has a permanency hearing in a qualified court or administrative body no later than 12 months from the date the child entered foster care and no less frequently than every 12 months thereafter.**

☐ Strength      ☒ Area Needing Improvement

Item 27 was rated as an Area Needing Improvement because the CFSR determined that the State does not have a process in place to ensure that, on a consistent basis, each child in foster care has a permanency hearing no later than 12 months from the date the child enters foster care and no less frequently than every 12 months thereafter. In addition, many of the 12-month hearings involve only "paper" reviews and full hearings are not being held unless one of the parties specifically requests it.

According to the Statewide Assessment, Missouri State Code requires that juvenile courts conduct a permanency hearing within 12 months of the date of the child's initial placement and at least annually thereafter. Several judicial circuits have increased the frequency of permanency hearings to every 6 months, or even every 3 months, in order to expedite permanency for children.

The Statewide Assessment notes that the State has implemented several measures to ensure that the 12-month hearings promote permanency. These include providing training on permanency-related issues for commissioners and court personnel and using bench

cards for juvenile judges to guide reviews. In addition, the three courts involved in the Juvenile Court Improvement Project (CIP) have been successful in implementing the court reforms required by the Adoption and Safe Families Act (i.e., establishing mandatory hearings, increasing the thoroughness of the review, providing timely appointment of legal representation, reducing continuances, etc.). Although five new CIP efforts were approved in 2001, the legislature has not appropriated State funds to permit the implementation of these projects.

The Statewide Assessment also notes, however, that there is no statewide system in place for tracking the timeliness of permanency hearings, although some judicial circuits have developed internal mechanisms to track the hearings and ensure they are occurring in a timely manner. At present, there is no existing method to measure the quality, quantity, and timeliness of juvenile court hearings on a statewide basis, except in the three sites involved in the CIP.

Most stakeholders commenting on this item during the onsite CFSR expressed the opinion that the 12-month permanency hearings are held in a timely manner. However, Jasper County stakeholders reported that there currently is a backlog of reviews scheduled, which makes it difficult to ensure that they are held in a timely manner. Stakeholders in Jackson County reported that the first permanency hearing is usually a comprehensive review, but that subsequent 12-month permanency hearings are often “paper reviews” rather than full hearings, unless a full hearing is requested by one of the parties. Finally, consistent with information provided in the Statewide Assessment, State-level stakeholders noted that while most metropolitan circuit courts have established internal systems to track the timeliness of permanency hearings, a statewide system will not be implemented until 2007.

**Item 28. Provides a process for termination of parental rights proceedings in accordance with the provisions of the Adoption and Safe Families Act.**

\_\_\_\_\_ Strength                        X  Area Needing Improvement

This item is rated as an Area Needing Improvement because CFSR findings indicate that the Children’s Division does not comply with the statewide process for termination of parental rights (TPR) proceedings in accordance with the provisions of ASFA.

According to the Statewide Assessment, Missouri statutes support ASFA provisions regarding the filing of TPR petitions and the juvenile courts have become increasingly committed to meeting these provisions and other ASFA timeframes. In Missouri, the juvenile court officers typically file the petitions for TPR, although child welfare agency children’s service workers have access to Department of Social Service attorneys who prepare TPR petitions for some cases. The Statewide Assessment notes that foster parents also may file TPR petitions on behalf of children in their care. The Statewide Assessment notes, however, that practices

regarding TPR continue to vary among the juvenile courts in the State. For example, some courts prefer to file TPR petitions only after a prospective adoptive family has been identified, while other courts will file in accordance with ASFA timeframes even if an adoptive resource has not been located. The Statewide Assessment reports that dissemination of the *Missouri Resource Guide for Best Practices in Child Abuse and Neglect Case Timelines* represents a major systemic enhancement to ensure greater consistency of practice.

Stakeholders commenting on this item during the onsite CFSR were in general agreement that the State has established procedures for filing for TPR in accordance with ASFA timeframes. However, although State-level stakeholders indicated that TPR hearings are usually held in a timely manner, local-level stakeholders reported that there are lengthy delays. These stakeholders expressed frustration with both agency and judicial practices pertaining to TPR and identified the following as barriers to completing the TPR process:

- Lack of agency representation in court that results in the granting of continuances for hearings.
- Lack of legal representation for parents until the first TPR hearing that also results in the granting of continuances.
- The practice of having the Juvenile Court Officer make decisions regarding the appropriateness of the agency's TPR petition before allowing it to be scheduled on the court docket.
- Lack of a diligent search for fathers by the agency early on in the case so that the search must begin at the time of the TPR petition.
- Reluctance by the agency to pursue adoption as a goal due to the perception that (1) the court will not grant TPR or (2) the adoptive resource must be in place before proceeding.
- Denial of TPR petitions by the court if an adoptive resource is not available (thus children languish in foster care).
- Judicial hesitancy to cease "reasonable efforts" with parents (often due to lack of services).
- Judicial bias toward reunification and opposition to TPR (in principle).
- Resistance by the courts to acknowledge agency recommendations.

Many stakeholders also expressed concern about the extent of tension between CD and the courts with regard to adherence to the provisions of ASFA, although they acknowledged that the agency and the courts engage in several joint initiatives. State-level stakeholders expressed concern that CD performance is hampered by a lack of clarity regarding the respective roles of child welfare children's service workers and court personnel in making permanency decisions.

**Item 29. Provides a process for foster parents, preadoptive parents, and relative caregivers of children in foster care to be notified of, and have an opportunity to be heard in, any review or hearing held with respect to the child.**

\_\_\_\_ Strength      \_\_X\_\_ Area Needing Improvement

Item 29 is rated as an Area Needing Improvement because the CFSR determined that the State does not have a statewide process to ensure the consistent notification of caregivers about court hearings or to ensure that they can be heard in those hearings on a consistent basis. One concern identified was that although the State statute mandates notification, it does not specify who is responsible for notification—i.e., the courts or the child welfare agency.

According to the Statewide Assessment, Missouri’s statute mandates that the current foster parents, or any pre-adoptive parent or relative currently providing care for the child, shall be provided with notice of hearings and be given an opportunity to be heard in any permanency or other review hearing held for the child. The statute also enables former foster caregivers, who have cared for the children within the previous 2 years, to testify at any hearing after the child has been adjudicated.

As reported in the Statewide Assessment, the roles and responsibilities of CD and the courts regarding notification are not clearly defined in the statute. There is no automated process for sending notification of hearings and tracking contact information, within either CD or the courts. Contact information is not shared between the two systems. Therefore, court personnel do not have access to the CD management information system to help locate individuals who should be notified of hearings. It is not known to what extent foster/adoptive parents, pre-adoptive parents, and relative caregivers are given notice of hearings, as the courts and the agency do not track this information.

Most stakeholders commenting on this item during the onsite CFSR expressed the opinion that foster parents, pre-adoptive parents, and relative caregivers are routinely notified of hearings. However, stakeholders reported that responsibility for notification varies across jurisdictions, with the child welfare agency having the responsibility in one locality, while the court has responsibility in another locality. Children’s service workers have responsibility for notifying foster parents about FST meetings. Stakeholders reported that foster parents attend hearings, but that the opportunity for caregivers to be heard during court proceedings varies across judges and circuits. Most stakeholders suggested that, in general, foster parents will attend the FST meetings and the court hearings, but are not really involved in these processes.